

REMARKS

Claims 1-20 are currently pending. New Claims 21-23 have been added to further define the protection in which Applicant is entitled. The Office Action dated September 14, 2005, has been carefully considered. Applicant requests that the Examiner consider the following remarks, and then pass the application to allowance.

Claims Rejections – 35 USC § 103:

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lennox et al. (U.S. Patent 6,137,419) in view of Amberger et al. (U.S. Patent 4,942,937).

Claim 1 recites an audible alarm system for vehicles having an extensible structure, the system comprising: a sensor for sensing a first position and a second position of a vehicle's gearshift lever, wherein the sensor is affixed to an exterior of the vehicle's dashboard; and a control module, the control module receiving an electrical signal from said extensible structure when the extensible structure is fully or partially deployed and, wherein the control module communicates the electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from the first position to the second position and wherein the system does not inhibit the vehicle from being driven.

Claim 16 recites an audible alarm system for vehicles having an extensible structure, the system comprising: a sensor for sensing a first position and a second position of a vehicle's gearshift lever, wherein the sensor comprises a magnetic sensing switch affixed to a vehicle's dashboard and a magnet affixed to the vehicle's gearshift lever; and a control module, the control module receiving an electrical signal from said extensible structure when the extensible structure is fully or partially deployed and, wherein the control module communicates the electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from the first position to the second position and wherein the system does not inhibit the vehicle from being driven.

Claim 17 as recites a method of warning an operator of a vehicle having an extensible structure when the vehicle is about to be driven with the extensible

structure deployed, the method comprising the step of: sensing a first position and a second position of a vehicle's gearshift lever; receiving an electrical signal from said extensible structure when the structure is fully or partially deployed; and communicating the electrical signal to an audible alarm if the vehicle's gearshift lever has been moved from the first position to the second position and wherein moving the gearshift lever does not inhibit the vehicle from being driven.

Lennox relates to a pickup truck tailgate monitor, which includes a control panel mounted adjacent to an operator station in the cab of the truck. The tailgate monitor includes a sensor that senses when the tailgate is open. The sensor is connected to a circuit which activates an electronic buzzer when the tailgate is open. A switch in the operator's cab allows the operator to turn off the tailgate monitoring system, including the electronic buzzer when transporting elongated cargo with the tailgate open. Lennox, however, does not teach or suggest a control module that communicates an electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from a first position to a second position.

Meanwhile, Amberger relates to a locking device for a gearshift lever, wherein a sensor switch is provided to monitor movement of the gearshift lever from the park position. If the gearshift lever is moved out of the park position when the ignition is off and/or the brake is not activated, the switch responds to such conditions by exciting a locking device, which inhibits further movement of the gearshift lever from the park position. Thus, this "action effectively prohibits gear shift lever 14 from further rotational movement on axle 12 and thus prevents any further movement of lever 14 out of the park position. Thus, gearshift lever 14 is locked in the park position." Col. 2, lines 60-64.

As set forth in MPEP Section 2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." Furthermore, if the proposed modification or combination of the references would change the principal of operation of the prior art invention being modified, then the teachings of the

references are not sufficient to render the claims prima facie obvious. MPEP 2143.01 (VI.).

In the present case, there is no teaching, suggestion or motivation to modify Lennox to include a sensor for sensing a first position and a second position of the gear shift as recited in Claims 1, 16, and 17 since it would change the principal of operation of the buzzer 68 of Lennox. As set forth in Lennox, the buzzer 68 generates "a sound any time the switch 70 is on and the sensor 54 senses that the tailgate 20 is open. The buzzer 68 will not generate a sound any time the sensor 54 senses that the tailgate 20 is closed or the switch 70 is off." Col. 3, lines 46-50. Meanwhile, Claims 1, 16 and 17 recite that the electrical signal from said extensible structure when the extensible structure is fully or partially deployed and, wherein the control module communicates the electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift lever has been moved from the first position to the second position. Thus, the only time that the control module communicates the electrical signal to the audible alarm is if the sensor senses that the vehicle's gearshift lever has been moved from the first position to the second position.

Furthermore, if the gearshift is locked in the park position as taught by Amberger, this prevents the operator of the vehicle from shifting the vehicle from the park position, which in some situations, such as civil disturbances, floods, and forest fires would be an undesirable situation for a driver of an ENG van (i.e., television microwave trucks). Accordingly, since Lennox in view of Amberger does not teach or suggest a control module that communicates an electrical signal to an audible alarm if the sensor senses that the vehicle's gearshift has been moved from a first position to a second position, and wherein the system does not inhibit the vehicle from being driven, Claims 1, 16 and 17 should be allowable. Claims 2-15 and 18-20 are dependent from Claims 1, 16 and 17, and should be also be allowable.

New Claims 21-23:

New Claim 21 recites an audible alarm system for a television microwave truck having an extensible pneumatic mast, the system comprising: a sensor for sensing a first position and a second position of the truck's gearshift lever, wherein the sensor is affixed to an exterior of the truck's dashboard; and a control module,

the control module receiving an electrical signal from the extensible pneumatic mast when the extensible pneumatic mast is fully or partially deployed and, wherein the control module communicates the electrical signal to an audible alarm if the sensor senses that the truck's gearshift lever has been moved from the first position to the second position.

As set forth above and further since neither Lennox nor Amberger suggests or teaches an audible alarm system for a television microwave truck having an extensible pneumatic mast as recited in Claim 21, Claim 21 should be allowable. Claims 22 and 23 are dependent from Claim 21 and should also be allowable.

CONCLUSION:


In the event that there are any questions concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL, L.L.P.

Date: February 14, 2006

P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300

By: 
Kirk M. Nuzum
Registration No. 38,983